
SUBSTITUTE SENATE BILL 5024

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Jacobsen and Kline)

READ FIRST TIME 02/06/07.

1 AN ACT Relating to increasing fees to fund community traumatic
2 brain injury services; amending RCW 46.20.311 and 46.68.041; reenacting
3 and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW;
4 and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that over one million
7 four hundred thousand individuals receive traumatic brain injuries
8 nationally per year, and that motor vehicle accidents are a leading
9 cause of traumatic brain injuries. The legislature finds that driving
10 under the influence leads to a significant number of motor vehicle
11 accidents, and intends that additional revenue from license
12 reinstatement for impaired drivers be used to support individuals with
13 traumatic brain injuries.

14 The legislature also finds that many individuals recovering from a
15 traumatic brain injury need assistance not only with physical tasks,
16 but also have unique mental health and cognitive needs. The
17 legislature finds that community-based organizations are best able to
18 provide prevention services and support that assist beyond an

1 individual's basic physical care needs, such as managing temper and
2 behaviors, improving memory, and acquiring new job and life skills.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
4 to read as follows:

5 The traumatic brain injury account is created in the state
6 treasury. Twenty-four percent of receipts from RCW
7 46.20.311(1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited into the
8 account. Moneys in the account may be spent only after appropriation,
9 and may be used only to contract with qualified community-based
10 organizations to provide prevention, referral, and support services
11 relating to traumatic brain injury, and to cover reasonable costs
12 related to monitoring the contracts. The secretary of the department
13 of social and health services has the authority to administer the
14 funds.

15 **Sec. 3.** RCW 46.20.311 and 2006 c 73 s 15 are each amended to read
16 as follows:

17 (1)(a) The department shall not suspend a driver's license or
18 privilege to drive a motor vehicle on the public highways for a fixed
19 period of more than one year, except as specifically permitted under
20 RCW 46.20.267, 46.20.342, or other provision of law.

21 (b) Except for a suspension under RCW 46.20.267, 46.20.289,
22 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving
23 privilege of any person is suspended by reason of a conviction, a
24 finding that a traffic infraction has been committed, pursuant to
25 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
26 suspension shall remain in effect until the person gives and thereafter
27 maintains proof of financial responsibility for the future as provided
28 in chapter 46.29 RCW.

29 (c) If the suspension is the result of a nonfelony violation of RCW
30 46.61.502 or 46.61.504, the department shall determine the person's
31 eligibility for licensing based upon the reports provided by the
32 alcoholism agency or probation department designated under RCW
33 46.61.5056 and shall deny reinstatement until enrollment and
34 participation in an approved program has been established and the
35 person is otherwise qualified. If the suspension is the result of a
36 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall

1 determine the person's eligibility for licensing based upon the reports
2 provided by the alcohol or drug dependency agency required under RCW
3 46.61.524 and shall deny reinstatement until satisfactory progress in
4 an approved program has been established and the person is otherwise
5 qualified. If the suspension is the result of a violation of RCW
6 46.61.502 or 46.61.504, and the person is required pursuant to RCW
7 46.20.720 to drive only a motor vehicle equipped with a functioning
8 ignition interlock, the department shall determine the person's
9 eligibility for licensing based upon written verification by a company
10 doing business in the state that it has installed the required device
11 on a vehicle owned or operated by the person seeking reinstatement.
12 If, based upon notification from the interlock provider or otherwise,
13 the department determines that an interlock required under RCW
14 46.20.720 is no longer installed or functioning as required, the
15 department shall suspend the person's license or privilege to drive.
16 Whenever the license or driving privilege of any person is suspended or
17 revoked as a result of noncompliance with an ignition interlock
18 requirement, the suspension shall remain in effect until the person
19 provides notice issued by a company doing business in the state that a
20 vehicle owned or operated by the person is equipped with a functioning
21 ignition interlock device.

22 (d) Whenever the license or driving privilege of any person is
23 suspended as a result of certification of noncompliance with a child
24 support order under chapter 74.20A RCW or a residential or visitation
25 order, the suspension shall remain in effect until the person provides
26 a release issued by the department of social and health services
27 stating that the person is in compliance with the order.

28 (e)(i) The department shall not issue to the person a new,
29 duplicate, or renewal license until the person pays a reissue fee of
30 seventy-five dollars.

31 (ii) If the suspension is the result of a violation of RCW
32 46.61.502 or 46.61.504, or is the result of administrative action under
33 RCW 46.20.308, the reissue fee (~~shall~~) must be (~~one~~) two hundred
34 (~~fifty~~) dollars.

35 (2)(a) Any person whose license or privilege to drive a motor
36 vehicle on the public highways has been revoked, unless the revocation
37 was for a cause which has been removed, is not entitled to have the
38 license or privilege renewed or restored until: (i) After the

1 expiration of one year from the date the license or privilege to drive
2 was revoked; (ii) after the expiration of the applicable revocation
3 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
4 expiration of two years for persons convicted of vehicular homicide; or
5 (iv) after the expiration of the applicable revocation period provided
6 by RCW 46.20.265.

7 (b)(i) After the expiration of the appropriate period, the person
8 may make application for a new license as provided by law together with
9 a reissue fee in the amount of seventy-five dollars.

10 (ii) If the revocation is the result of a violation of RCW
11 46.20.308, 46.61.502, or 46.61.504, the reissue fee (~~(shall)~~) must be
12 (~~(one)~~) two hundred (~~(fifty)~~) dollars. If the revocation is the result
13 of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department
14 shall determine the person's eligibility for licensing based upon the
15 reports provided by the alcoholism agency or probation department
16 designated under RCW 46.61.5056 and shall deny reissuance of a license,
17 permit, or privilege to drive until enrollment and participation in an
18 approved program has been established and the person is otherwise
19 qualified. If the suspension is the result of a violation of RCW
20 46.61.502(6) or 46.61.504(6), the department shall determine the
21 person's eligibility for licensing based upon the reports provided by
22 the alcohol or drug dependency agency required under RCW 46.61.524 and
23 shall deny reinstatement until satisfactory progress in an approved
24 program has been established and the person is otherwise qualified. If
25 the revocation is the result of a violation of RCW 46.61.502 or
26 46.61.504, and the person is required pursuant to RCW 46.20.720 to
27 drive only a motor vehicle equipped with a functioning ignition
28 interlock or other biological or technical device, the department shall
29 determine the person's eligibility for licensing based upon written
30 verification by a company doing business in the state that it has
31 installed the required device on a vehicle owned or operated by the
32 person applying for a new license. If, following issuance of a new
33 license, the department determines, based upon notification from the
34 interlock provider or otherwise, that an interlock required under RCW
35 46.20.720 is no longer functioning, the department shall suspend the
36 person's license or privilege to drive until the department has
37 received written verification from an interlock provider that a
38 functioning interlock is installed.

1 (c) Except for a revocation under RCW 46.20.265, the department
2 shall not then issue a new license unless it is satisfied after
3 investigation of the driving ability of the person that it will be safe
4 to grant the privilege of driving a motor vehicle on the public
5 highways, and until the person gives and thereafter maintains proof of
6 financial responsibility for the future as provided in chapter 46.29
7 RCW. For a revocation under RCW 46.20.265, the department shall not
8 issue a new license unless it is satisfied after investigation of the
9 driving ability of the person that it will be safe to grant that person
10 the privilege of driving a motor vehicle on the public highways.

11 (3)(a) Whenever the driver's license of any person is suspended
12 pursuant to Article IV of the nonresident violators compact or RCW
13 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
14 to the person any new or renewal license until the person pays a
15 reissue fee of seventy-five dollars.

16 (b) If the suspension is the result of a violation of the laws of
17 this or any other state, province, or other jurisdiction involving (i)
18 the operation or physical control of a motor vehicle upon the public
19 highways while under the influence of intoxicating liquor or drugs, or
20 (ii) the refusal to submit to a chemical test of the driver's blood
21 alcohol content, the reissue fee (~~(shall)~~) must be (~~(one)~~) two hundred
22 (~~(fifty)~~) dollars.

23 **Sec. 4.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to read
24 as follows:

25 (1) Except as provided in subsections (2) and (3) of this section,
26 the department shall forward all funds accruing under the provisions of
27 chapter 46.20 RCW together with a proper identifying, detailed report
28 to the state treasurer who shall deposit such moneys to the credit of
29 the highway safety fund.

30 (2) (~~(Sixty-three)~~) Forty-eight percent of each fee collected by
31 the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b)
32 (~~(shall)~~) must be deposited in the impaired driving safety account.

33 (3) Twenty-four percent of each fee collected by the department
34 under RCW 46.20.311(1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited
35 in the traumatic brain injury account, as created under section 2 of
36 this act.

1 **Sec. 5.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006
2 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and
3 amended to read as follows:

4 (1) All earnings of investments of surplus balances in the state
5 treasury shall be deposited to the treasury income account, which
6 account is hereby established in the state treasury.

7 (2) The treasury income account shall be utilized to pay or receive
8 funds associated with federal programs as required by the federal cash
9 management improvement act of 1990. The treasury income account is
10 subject in all respects to chapter 43.88 RCW, but no appropriation is
11 required for refunds or allocations of interest earnings required by
12 the cash management improvement act. Refunds of interest to the
13 federal treasury required under the cash management improvement act
14 fall under RCW 43.88.180 and shall not require appropriation. The
15 office of financial management shall determine the amounts due to or
16 from the federal government pursuant to the cash management improvement
17 act. The office of financial management may direct transfers of funds
18 between accounts as deemed necessary to implement the provisions of the
19 cash management improvement act, and this subsection. Refunds or
20 allocations shall occur prior to the distributions of earnings set
21 forth in subsection (4) of this section.

22 (3) Except for the provisions of RCW 43.84.160, the treasury income
23 account may be utilized for the payment of purchased banking services
24 on behalf of treasury funds including, but not limited to, depository,
25 safekeeping, and disbursement functions for the state treasury and
26 affected state agencies. The treasury income account is subject in all
27 respects to chapter 43.88 RCW, but no appropriation is required for
28 payments to financial institutions. Payments shall occur prior to
29 distribution of earnings set forth in subsection (4) of this section.

30 (4) Monthly, the state treasurer shall distribute the earnings
31 credited to the treasury income account. The state treasurer shall
32 credit the general fund with all the earnings credited to the treasury
33 income account except:

34 (a) The following accounts and funds shall receive their
35 proportionate share of earnings based upon each account's and fund's
36 average daily balance for the period: The capitol building
37 construction account, the Cedar River channel construction and
38 operation account, the Central Washington University capital projects

1 account, the charitable, educational, penal and reformatory
2 institutions account, the Columbia river basin water supply development
3 account, the common school construction fund, the county criminal
4 justice assistance account, the county sales and use tax equalization
5 account, the data processing building construction account, the
6 deferred compensation administrative account, the deferred compensation
7 principal account, the department of retirement systems expense
8 account, the developmental disabilities community trust account, the
9 drinking water assistance account, the drinking water assistance
10 administrative account, the drinking water assistance repayment
11 account, the Eastern Washington University capital projects account,
12 the education construction fund, the education legacy trust account,
13 the election account, the emergency reserve fund, the energy freedom
14 account, The Evergreen State College capital projects account, the
15 federal forest revolving account, the freight mobility investment
16 account, the freight mobility multimodal account, the health services
17 account, the public health services account, the health system capacity
18 account, the personal health services account, the state higher
19 education construction account, the higher education construction
20 account, the highway infrastructure account, the high-occupancy toll
21 lanes operations account, the industrial insurance premium refund
22 account, the judges' retirement account, the judicial retirement
23 administrative account, the judicial retirement principal account, the
24 local leasehold excise tax account, the local real estate excise tax
25 account, the local sales and use tax account, the medical aid account,
26 the mobile home park relocation fund, the multimodal transportation
27 account, the municipal criminal justice assistance account, the
28 municipal sales and use tax equalization account, the natural resources
29 deposit account, the oyster reserve land account, the pension funding
30 stabilization account, the perpetual surveillance and maintenance
31 account, the public employees' retirement system plan 1 account, the
32 public employees' retirement system combined plan 2 and plan 3 account,
33 the public facilities construction loan revolving account beginning
34 July 1, 2004, the public health supplemental account, the public works
35 assistance account, the Puyallup tribal settlement account, the real
36 estate appraiser commission account, the regional mobility grant
37 program account, the resource management cost account, the rural
38 Washington loan fund, the site closure account, the small city pavement

1 and sidewalk account, the special wildlife account, the state
2 employees' insurance account, the state employees' insurance reserve
3 account, the state investment board expense account, the state
4 investment board commingled trust fund accounts, the supplemental
5 pension account, the Tacoma Narrows toll bridge account, the teachers'
6 retirement system plan 1 account, the teachers' retirement system
7 combined plan 2 and plan 3 account, the tobacco prevention and control
8 account, the tobacco settlement account, the transportation
9 infrastructure account, the transportation partnership account, the
10 traumatic brain injury account, the tuition recovery trust fund, the
11 University of Washington bond retirement fund, the University of
12 Washington building account, the volunteer fire fighters' and reserve
13 officers' relief and pension principal fund, the volunteer fire
14 fighters' and reserve officers' administrative fund, the Washington
15 fruit express account, the Washington judicial retirement system
16 account, the Washington law enforcement officers' and fire fighters'
17 system plan 1 retirement account, the Washington law enforcement
18 officers' and fire fighters' system plan 2 retirement account, the
19 Washington public safety employees' plan 2 retirement account, the
20 Washington school employees' retirement system combined plan 2 and 3
21 account, the Washington state health insurance pool account, the
22 Washington state patrol retirement account, the Washington State
23 University building account, the Washington State University bond
24 retirement fund, the water pollution control revolving fund, and the
25 Western Washington University capital projects account. Earnings
26 derived from investing balances of the agricultural permanent fund, the
27 normal school permanent fund, the permanent common school fund, the
28 scientific permanent fund, and the state university permanent fund
29 shall be allocated to their respective beneficiary accounts. All
30 earnings to be distributed under this subsection (4)(a) shall first be
31 reduced by the allocation to the state treasurer's service fund
32 pursuant to RCW 43.08.190.

33 (b) The following accounts and funds shall receive eighty percent
34 of their proportionate share of earnings based upon each account's or
35 fund's average daily balance for the period: The aeronautics account,
36 the aircraft search and rescue account, the county arterial
37 preservation account, the department of licensing services account, the
38 essential rail assistance account, the ferry bond retirement fund, the

1 grade crossing protective fund, the high capacity transportation
2 account, the highway bond retirement fund, the highway safety account,
3 the motor vehicle fund, the motorcycle safety education account, the
4 pilotage account, the public transportation systems account, the Puget
5 Sound capital construction account, the Puget Sound ferry operations
6 account, the recreational vehicle account, the rural arterial trust
7 account, the safety and education account, the special category C
8 account, the state patrol highway account, the transportation 2003
9 account (nickel account), the transportation equipment fund, the
10 transportation fund, the transportation improvement account, the
11 transportation improvement board bond retirement account, and the urban
12 arterial trust account.

13 (5) In conformance with Article II, section 37 of the state
14 Constitution, no treasury accounts or funds shall be allocated earnings
15 without the specific affirmative directive of this section.

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